

AMENDED IN SENATE JUNE 21, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2773

Introduced by Assembly Member Berg

February 24, 2006

An act to amend Sections ~~7381 and 7382~~ of 7380, 7381, and 7382 of, and to add Section 8280.9 to, the Fish and Game Code, relating to fishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2773, as amended, Berg. ~~Steelhead.~~ *Fish and Game: steelhead trout: Dungeness crab.*

(1) Existing law requires any person taking steelhead trout in inland waters to have in his or her possession a steelhead trout catch report-restoration card issued by the Department of Fish and Game. Existing law requires cardholders to record certain information on the catch report-restoration card relative to fishing, and requires the cardholder to return the catch report-restoration card to the department on a schedule or date established by the department. Existing law requires the base fee for the catch report-restoration card to be \$5 ~~to~~ for the 2004 license year, and requires the fee to be adjusted annually thereafter pursuant to a specified index. Existing law requires revenue received pursuant to the catch report-restoration card to be expended, upon appropriation by the Legislature, for specified purposes, and requires the department to perform various functions, including, but not limited to, submitting all proposed expenditures to the Advisory Committee on Salmon and Steelhead Trout for review and comment prior to submitting a request for inclusion of the appropriation in the annual Budget Bill. Existing law requires the department to report to

the Legislature on or before July 1, 2007, regarding the implementation of the catch report-restoration card program, the projects undertaken using revenues derived pursuant to that program, the benefits derived, and its recommendation regarding whether the catch report-restoration card requirement should be continued. Existing law makes these provisions relating to steelhead trout inoperative on July 1, 2007, and repeals them as of January 1, 2008.

This bill would change the name of the steelhead trout catch report-restoration card to the steelhead trout fishing report-restoration card. The bill would revise the provision requiring the department to report to the Legislature on its recommendation regarding whether the—catch report-restoration card requirement should be continued to instead require the department to report its recommendations for revising the catch report-restoration card, if any. The bill would require that the month, day, and location fished be recorded before the cardholder begins fishing for the day and when the cardholder moves to another location listed on the back of the report-restoration card. The bill would require cardholders to immediately record catch information upon keeping a steelhead trout and immediately record catch information regarding released steelhead whenever the cardholder finishes fishing for the day, or moves to another location. The bill would also provide that the provisions relating to steelhead trout would become inoperative on July 1, 2012, and be repealed on January 1, 2013.

Because this bill would revise and extend the operation of the report-restoration card requirements, the violation of which would be a crime under other provisions, it would impose a state-mandated local program.

(2) Existing law prohibits any person from using a vessel to take, possess, or land Dungeness crab for commercial purposes using Dungeness crab traps, unless the owner of that vessel has a Dungeness crab vessel permit for that vessel.

This bill would provide that Dungeness crab vessel permits are valid only in the waters of the state and in the Pacific Ocean in federal waters south of the border with Oregon.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 7380 of the Fish and Game Code is*
2 *amended to read:*

3 7380. (a) In addition to a valid California sport fishing
4 license and any applicable sport license stamp issued pursuant to
5 this code, after January 1, 1993, a person taking steelhead trout in
6 inland waters shall have in his or her possession a valid
7 nontransferable steelhead trout ~~catch~~ *fishing* report-restoration
8 card issued by the department. The cardholder shall record
9 certain fishing information on the card as designated by the
10 department. ~~The information shall immediately be recorded~~
11 ~~whenever the cardholder finishes fishing for the day, moves to~~
12 ~~another river or stream, or retains steelhead trout. The month,~~
13 ~~day, and location fished shall be recorded before the cardholder~~
14 ~~begins fishing for the day and when the cardholder moves to~~
15 ~~another location listed on the back of the report-restoration card.~~
16 *The cardholder shall immediately record catch information upon*
17 *keeping a steelhead trout and immediately record catch*
18 *information regarding released steelhead trout whenever the*
19 *cardholder finishes fishing for the day, or moves to another*
20 *location listed on the back of the report-restoration card. The*
21 *cardholder shall return the card to the department on a schedule*
22 *or date established by the department.*

23 (b) The base fee for the card shall be five dollars (\$5) for the
24 2004 license year, which ~~shall~~ *may* be adjusted annually
25 thereafter pursuant to Section 713 *and subdivision (c)*. The funds
26 received by the department from the sale of the card shall be
27 deposited in the Fish and Game Preservation Fund and shall be
28 available for expenditure upon appropriation by the Legislature.
29 The department shall maintain the internal accountability
30 necessary to ensure that all restrictions and requirements
31 pertaining to the expenditure of these funds are met.

32 (c) *The fees for the steelhead trout fishing report-restoration*
33 *card may only be adjusted pursuant to Section 713 if the*

1 *estimated reserve in unappropriated fund revenue derived from*
2 *the sale of the card does not exceed five hundred thousand*
3 *dollars (\$500,000) for the current fiscal year.*

4 (e)

5 (d) The commission shall adopt regulations necessary to
6 implement this section. These regulations shall include, but not
7 be limited to, procedures necessary to obtain appropriate
8 steelhead trout resources management information, a requirement
9 that the card contain a statement explaining potential uses of the
10 funds received as authorized by Section 7381, and a requirement
11 that the cards be returned to the department.

12 ~~SECTION 1.~~

13 SEC. 2. Section 7381 of the Fish and Game Code is amended
14 to read:

15 7381. (a) Revenue received pursuant to Section 7380 may
16 only be expended, upon appropriation by the Legislature, to
17 monitor, restore, or enhance steelhead trout resources consistent
18 with Sections 6901 and 6902, and to administer the ~~catch~~ *fishing*
19 *report-restoration card program*. The department shall submit all
20 proposed expenditures, including proposed expenditures for
21 administrative purposes, to the Advisory Committee on Salmon
22 and Steelhead Trout for review and comment prior to submitting
23 a request for inclusion of the appropriation in the annual Budget
24 Bill. The committee may recommend revisions in any proposed
25 expenditure to the Legislature and the commission.

26 (b) The department shall report to the Legislature on or before
27 ~~July 1, 2007, regarding the implementation of the catch~~
28 ~~report-restoration card program, the projects undertaken using~~
29 *July 1, 2007, regarding the steelhead trout fishing*
30 *report-restoration card program's projects undertaken using*
31 revenues derived pursuant to that program, the benefits derived,
32 and its recommendations for revising the ~~catch~~ *fishing*
33 *report-restoration card requirement, if any.*

34 ~~SEC. 2.~~

35 SEC. 3. Section 7382 of the Fish and Game Code is amended
36 to read:

37 7382. This article shall become inoperative on July 1, 2012,
38 and, as of January 1, 2013, is repealed, unless a later enacted
39 statute that is enacted before January 1, 2013, deletes or extends
40 the dates on which it becomes inoperative and is repealed.

1 *SEC. 4. Section 8280.9 is added to the Fish and Game Code,*
2 *to read:*

3 *8280.9. Dungeness crab vessel permits are valid only in state*
4 *waters and in the Pacific Ocean in federal waters south of the*
5 *border with Oregon.*

6 *SEC. 5. No reimbursement is required by this act pursuant to*
7 *Section 6 of Article XIII B of the California Constitution because*
8 *the only costs that may be incurred by a local agency or school*
9 *district will be incurred because this act creates a new crime or*
10 *infraction, eliminates a crime or infraction, or changes the*
11 *penalty for a crime or infraction, within the meaning of Section*
12 *17556 of the Government Code, or changes the definition of a*
13 *crime within the meaning of Section 6 of Article XIII B of the*
14 *California Constitution.*